



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirtieth Meeting Day

Thursday Morning

March 13, 2003

The House convened at 11:00 a.m. with the Speaker in the Chair.

The invocation was offered by Pastor Don Moran, Bethesda Baptist Church, Brownsburg, the guest of Representative Matthew D. Whetstone.

The Pledge of Allegiance to the Flag was led by Representative Whetstone.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera ☐	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker ☐	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown ☐	McClain
T. Brown	Moses ☐
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum ☐
Cochran	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley ☐	V. Smith ☐
Frenz ☐	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry ☐	Stutzman ☐
GiaQuinta ☐	Summers ☐
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer ☐
Heim	Weinzapfel ☐
Herrell	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Kersey	D. Young
Klinker	Yount ☐
Koch	Mr. Speaker

Roll Call 399: 85 present; 15 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 17, 2003, at 1:30 p.m.

GOODIN

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

ESB 67 — Pflum, Hoffman (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 120 — Klinker, Whetstone (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

ESB 173 — Welch, Noe (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 176 — Kuzman, Friend (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

ESB 177 — Kuzman, Stine (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

ESB 178 — Ripley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 182 — Welch, Turner (Human Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 202 — Kuzman, Foley (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

ESB 210 — Summers, Becker (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 219 — Chowning, Lehe (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

ESB 227 — Klinker, Duncan, Grubb, Budak (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 232 — Crawford, Neese, T. Adams, Borror (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 239 — Welch, T. Brown, Bardon, Goodin (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 240 — Reske, Thomas (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 268 — Mahern, Richardson, Weinzapfel (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 281 — Bardon, C. Brown, Buell (Rules and Legislative Procedures)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 291 — Lytle, Whetstone (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 292 — Grubb, Friend (Agriculture, Natural Resources and Rural Development)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

ESB 307 — Welch, Buell (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 314 — L. Lawson, Foley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 367 — C. Brown (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 375 — Mahern (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations.

ESB 383 — Fry, Ripley (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

ESB 385 — Robertson, Torr (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 405 — Mahern, Duncan (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 417 — Stilwell, Chowning, Becker, LaPlante (Technology, Research and Development)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 433 — Mahern, Bottorff (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

ESB 440 — Bottorff, Wolkins (Environmental Affairs)

A BILL FOR AN ACT concerning environmental law.

ESB 446 — Fry, Neese (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 460 — C. Brown, Becker (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning

human services.

ESB 462 — Fry, Ripley, Buell (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 463 — Klinker, Frizzell (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

ESB 464 — Crawford, Espich (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 465 — Welch, Espich (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 475 — Bottorff, Friend (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 477 — Mahern, Richardson, Welch (Elections and Apportionment)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 478 — Mahern, Whetstone (Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations and consumer sales and credit and to make an appropriation.

ESB 479 — L. Lawson, Becker (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

ESB 482 — V. Smith (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 485 — Kuzman, Koch (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

ESB 486 — Liggett, Torr (Labor and Employment)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

ESB 487 — L. Lawson, Denbo (Public Policy, Ethics and Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs.

ESB 488 — L. Lawson, Foley (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

ESB 490 — Lytle, Murphy (Appointments and Claims)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

ESB 491 — Bottorff, Wolkins (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

ESB 493 — C. Brown, Becker, Day, Thomas (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 494 — Avery, Becker, Hasler (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 501 — Porter, Pond, Behning (Education)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 503 — Hasler, McClain (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

ESB 504 — C. Brown, Murphy (Commerce and Economic Development)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulations; consumer sales and credit.

ESB 505 — Stevenson, Buell (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 506 — L. Lawson, Alderman, Foley (Local Government)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 507 — Hasler, Becker (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 508 — Bischoff, Ripley (Roads and Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

ESB 509 — C. Brown, Welch (Insurance, Corporations and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 515 — Dvorak, Ulmer (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 517 — Kuzman, D. Young (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 519 — Herrell, Foley (Courts and Criminal Code)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 520 — Moses, Hinkle, Mays, Borror (Interstate and International Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 523 — Avery, Becker, Weinzapfel (Labor and Employment)

A BILL FOR AN ACT concerning pensions.

ESB 528 — Moses, Alderman (Human Affairs)

A BILL FOR AN ACT concerning courts and court officers.

ESB 533 — Bottorff, Wolkins, Goodin, Friend (Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

ESB 548 — Herrell (Public Health)

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

ESB 556 — Welch, Buell (Ways and Means)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

ESJR 1 — Lytle, Bosma (Rules and Legislative Procedures)

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Thirteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 22 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 22. The General Assembly shall not pass local or special laws **for any of the following purposes:**

Providing for the punishment of crimes and misdemeanors.

Regulating the practice in courts of justice.

Providing for changing the venue in civil and criminal cases.

Granting divorces.

Changing the names of persons.

Providing for laying out, opening, and working on, highways, and for the election or appointment of supervisors.

Vacating roads, town plats, streets, alleys, and public squares.

Summoning and empanelling grand and petit juries, and providing for their compensation.

~~Regulating county and township business;~~

Regulating the election of county and township officers and their compensation.

Providing for the assessment and collection of taxes for State ~~county, township, or road~~ purposes.

Providing for the support of common schools, or the preservation of school funds.

Relating to fees or salaries, except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required.

Relating to interest on money.

Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting.

Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

SECTION 3. ARTICLE 4, SECTION 23 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 23. (a) In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State.

(b) **Notwithstanding subsection (a), the General Assembly may pass a local or special law for any of the following purposes:**

(1) **To regulate the structure, operation, or other business of a political subdivision or a class of political subdivisions.**

(2) **To provide for raising or spending revenue by a political subdivision or a class of political subdivisions.**

(3) **To permit a political subdivision or class of political subdivisions to regulate their local affairs not inconsistent with general laws.**

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 29 and 31 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

On the motion of Representative Bosma, the House adjourned at 11:30 a.m., this thirteenth day of March, 2003, until Monday, March 17, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives